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*Certified Civil Mediator
**Also Admitted in Virginia

September 21, 2012

Indiana Utility Regulatory Commission
101 W. Washington Street, Suite 1500E
Indianapolis, Indiana 46204-3407

RECEIVED
SEP 25 2012
INDIANA UTILITY
REGULATORY COMMISSION

RE: Town of South Whitley Sewer Rate Waiver

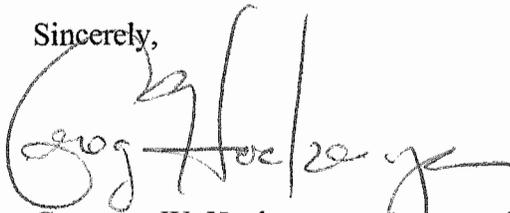
Dear Sir or Madam:

Enclosed please find a petition submitted on behalf of the Town of South Whitley Waste Water Utility seeking IURC approval of a rate differential under the Town's General Ordinance 86-2-1 passed by the South Whitley Town Council on February 25, 1986. Because that ordinance provided for a standard percentage deviation applicable to all future rates, the petition also includes information regarding the most recent metered and flat fee rates applicable to the South Whitley Waste Water Utility.

Your courtesy in accepting the enclosed petition for review under Indiana Code § 8-1.5-3-8.3(c) would be greatly appreciated. Should you have any questions or concerns regarding the petition, please feel free to contact me.

Failing to hear from you otherwise, I will look forward to your acknowledgment of the receipt and review of the enclosures and, hopefully, approval of same pending timely remonstrance as provided.

Sincerely,



Greggory W. Hockemeyer, Attorney for Town of South Whitley Waste Water Utility
Myers Hockemeyer & McNaghy, LLP

enclosure

GWH/lj

K:\Client Files\Town of South Whitley\IURC\Letter to IURC 092112.wpd

cc Bob Gould, South Whitley Clerk-Treasurer

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

PETITION FOR APPROVAL OF RATE)
AND CHARGE DIFFERENCE BETWEEN)
PROPERTY WITHIN AND PROPERTY) CAUSE NO.
OUTSIDE THE CORPORATE BOUNDARIES)
OF THE TOWN OF SOUTH WHITLEY FOR)
ITS WASTEWATER UTILITY)

Pursuant to Indiana Code § 8-1.5-3-8.3(c), Petitioner, South Whitley Wastewater Utility, by counsel, respectfully petitions the Indiana Utility Regulatory Commission (“Commission”) for approval of the rate and charge difference between property within and property outside the corporate boundaries of the Town of South Whitley, Indiana. In support of its Petition, Petitioner states:

1. The ordinance setting distinct sanitary sewer rates and charges for property within and property outside the municipality’s corporate boundaries took effect on March 1, 1986.
2. In part, the current Town of South Whitley Code provides:

§ 52.71 RATES BASED ON QUANTITY OF WATER USED.

(A) For the use of and the service rendered by the sewage works, rates and charges shall be collected from the owners of each and every lot, parcel of real estate, or building that is connected with the Town’s sanitary sewer system or otherwise discharges sanitary sewage, industrial wastes, water, or other liquids, either directly or indirectly, into the sanitary sewer system of the town.

(B) These rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as follows. Except as herein otherwise provided, sewage rates and charges shall be based upon the quantity of water used on or in the property or premises subject to the rates and charges as measured by the water meter there in use. The metered water usage shall be determined from the meter reading of the town’s waterworks.

- (1) Sewage service rates, based upon the amount of water used shall be as follows:

Quantity of Water Used	Rate Per 1,000 Gallons
Per Month	
First 2,000 gallons	\$14.66
Next 8,000 gallons	\$12.23
Next 25,000 gallons	\$9.87
Next 65,000 gallons	\$8.17
Over 100,000 gallons	\$6.80

(2) The minimum charge for sewage service where the user is a metered water consumer shall be based upon the meter size as follows:

Water Meter Size (Inches)	Monthly Charge
5/8 — 3/4	\$ 29.31
1	\$46.82
1-1/4	\$69.92
1-1/2	\$93.04
2	\$174.46
3	\$348.72
4	\$581.10
6	\$1,162.19

(3) A flat rate for residential sewage service, where the user is not a metered water user, shall be \$59.89 per month. (Rate increases are effective with the January 1, 2012 billing.) (Ord. 11-11-02, passed 11-22-2011).

...

§ 52.74 RATES FOR USERS LOCATED OUTSIDE CORPORATION LIMITS.

Charges to users outside the corporation limits of the town will be billed at 150% of the rates and charges to users within the corporation limits. (Ord. 86-2-1, passed 2-25-86).

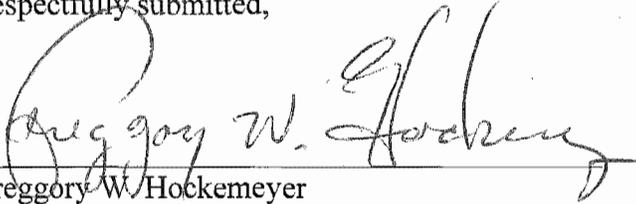
Attached as "Exhibit A" is a copy of the most recent Wastewater Rate Ordinance adopted, the provisions of which are incorporated above.

3. The works that is subject of the Ordinance is a:
 - a. Water utility works _____
 - b. Wastewater utility works X
 - c. Both water and wastewater utility works _____
4. The percentage difference between the rates and charges imposed on users of the works for service to property located outside the corporate boundaries of the municipality and to property located within the corporate boundaries is 50%.
5. If the percentage difference in #4 above varies based upon the amount of consumption, please provide a chart illustrating the various consumption levels in 1,000 gallon increments with the corresponding percent surcharge and attach to this Petition.
6. Petitioner considers Ind. Code § 8-1.5-3-8.3 (c), among other statutes, to be applicable to the relief requested by this Petition.

7. Gregory W. Hockemeyer is counsel of record for Petitioners in this matter and is duly authorized to accept service of papers in this cause on behalf of Petitioners.

WHEREFORE The South Whitley Wastewater Utility requests that the Commission issue an Order approving the percentage rate and charge difference between property within and property outside the corporate boundaries of the Town of South Whitley and for other just and reasonable relief.

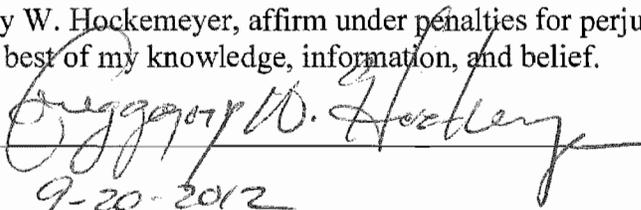
Respectfully submitted,


Gregory W. Hockemeyer
Attorney for Petitioners

Verification

I, Gregory W. Hockemeyer, affirm under penalties for perjury that the foregoing representations are true to the best of my knowledge, information, and belief.

Signed



Date

9-20-2012

Attorney Contact Information
Gregory W. Hockemeyer
Myers Hockemeyer & McNagny, LLP
116 North Chauncey Street
P.O. Box 89
Columbia City, IN 46725
(260) 248-2224

Exhibit A

ORDINANCE NO. 11-11-02

Sewage

An ordinance amending the Town of South Whitley Ordinance, Chapter 52, Section 52.71 increasing the sewage service rates to finance installation of improvements mandated as part of the Combined Sewer Overflow plan approved by the State of Indiana.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE INCORPORATED TOWN OF SOUTH WHITLEY, INDIANA THAT:

SECTION 1. Town of South Whitley General Ordinance, Chapter 52, §71(B) is amended as follows;

- i. § 52.71, sub-part "B(1)" is hereby amended as follows:
 - (1) Sewage service rates, based upon the amount of water used, shall be as follows:

<u>Quantity of Water Used</u> <u>Per Month</u>	<u>Rate Per 1,000 Gallons</u>
First 2,000 gallons	\$14.66
Next 8,000 gallons	12.23
Next 25,000 gallons	9.87
Next 65,000 gallons	8.17
Over 100,000 gallons	6.80

- ii. § 52.71, sub-part "B(2)" is hereby amended as follows:
 - (2) The minimum charge for sewage service where the user is a metered water consumer shall be based upon the meter size as follows:

<u>Water Meter Size (Inches)</u>	<u>Monthly Charge</u>
5/8 - 3/4 meter	\$ 29.31
1 meter	46.82
1-1/4 meter	69.92
1-1/2 meter	93.04
2 meter	174.46
3 meter	348.72
4 meter	581.10
6 meter	1,162.19

iii. § 52.71, sub-part "B(1)" is hereby amended as follows:

- (3) A flat rate for residential sewage service, where the user is not a metered water user, shall be \$59.89 per month. (Rate increases are effective with the January 1, 2012 billing.)

SECTION 2. This Ordinance shall be effective upon its passage and publication in a newspaper of general circulation as provided by law. The new rate increases shall be implemented effective on the January 1, 2012 billing.

PASSED FOLLOWING NOTICE AND HEARING BY THE TOWN COUNCIL OF THE TOWN OF SOUTH WHITLEY, INDIANA, THIS 22ND DAY OF NOVEMBER, 2011.

SOUTH WHITLEY TOWN COUNCIL

Joyce Warner

Jan R. Elshart

ATTEST:

Mitchel J. Winger
Mitchel J. Winger, Clerk-Treasurer

Received
October 04, 2012
INDIANA UTILITY
REGULATORY COMMISSION

MYERS HOCKEMEYER & McNAGNY, LLP

Greggory W. Hockemeyer
Marcia A. McNagny

116 North Chauncey Street
Columbia City, IN 46725
Phone: (260) 248-2224
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Soultana S. Myers
Dawn M. Boyd*

* Also admitted in Virginia

Fax Transmission Sheet

TO: Dana Lynn, IURC
RE: **Town of South Whitley Sewer Rate Differential Waiver Petition**
FAX #: 317-232-6758
FROM: Greg Hockemeyer *gh*
DATE: October 4, 2012

You should receive 10 page(s) **including this cover sheet**. If you do not receive all pages, please call 260-248-2224 and ask for Lori Jenkins. The original of this transmission will not be sent separately.

MESSAGE:

Ordinance No. 86-2-1 follows, as requested to supplement Petition filed on September 25, 2012. Please note that §2(j) provides the rate differential codified by the Town. I apologize for any inconvenience caused by its omission from the original submission. Please let me know if it will be necessary for me to submit a formal amended petition with the ordinance attached as an exhibit.

CONFIDENTIALITY NOTICE: THE MATERIALS ENCLOSED WITH THIS FACSIMILE TRANSMITTAL SHEET ARE PRIVATE AND CONFIDENTIAL AND ARE THE PROPERTY OF THE SENDER. THE INFORMATION CONTAINED IN THE MATERIAL IS PRIVILEGED AND IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL(S) OR ENTITY(S) NAMED ABOVE. IF YOU ARE NOT THE INTENDED RECIPIENT, BE ADVISED THAT ANY UNAUTHORIZED DISCLOSURE, COPYING, DISTRIBUTION OR THE TAKING OF ANY ACTION IN RELIANCE ON THE CONTENTS OF THIS TELECOPIED INFORMATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS FACSIMILE TRANSMITTAL IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE TO ARRANGE FOR RETURN OF THE FORWARDED DOCUMENTS TO US.

ORDINANCE NO. 86-2-1

An Ordinance fixing the schedule of rates and charges to be collected by the Town of South Whitley, Indiana, from the owners of property served by the sewage works of said Town of South Whitley, Indiana, and other matters connected therewith

WHEREAS, the Town of South Whitley, Indiana, has heretofore established the construction, maintenance and operation of works for the collection, treatment and disposal of sewage under the provisions of Chapter 284 of the Acts of the General Assembly of the State of Indiana for the year 1967; and

WHEREAS, the cost of such works and the amount of revenue bonds to apply on the cost have been determined and tentative contracts for the construction of said works have been awarded, subject to sale of the said revenue bonds; and

WHEREAS, said Chapter 284 of the Acts of 1967 requires that the rates and charges to be collected for the use of and the service rendered by such sewage works be fixed by ordinance, finally adopted after due notice and public hearing, and authorizes the collection of rates and charges when the construction of such works has been commenced; therefore,

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SOUTH WHITLEY, INDIANA:

Section 1. For the use of and the service rendered by said works, rates and charges shall be collected from the owners of every lot, parcel of real estate or building that is connected with the Town of South Whitley's sanitary sewer system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary sewer system of the Town of South Whitley, Indiana, which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

(a) The sewage rates and charges shall be based on the quantity of water used on or in the property or premises subject to such use, except as otherwise provided in this ordinance. Sewage service rates, based upon the amount of water used, shall be as follows:

<u>Quantity of Water used</u> <u>Per Month</u>		<u>Rate per</u> <u>1,000 Gallons</u>
First	2,000 gallons	\$ 1.90
Next	8,000 gallons	1.60
Next	25,000 gallons	1.29
Next	65,000 gallons	1.07
Over	100,000 gallons	.89

The minimum charge for sewage service where the user is a metered water consumer, shall be based upon the meter size as follows:

<u>Meter Size</u>	<u>Per Month</u>
5/8"-3/4" meter	\$ 3.80
1" meter	6.10
1 1/4" meter	9.15
1 1/2" meter	12.15
2" meter	22.80
3" meter	45.60
4" meter	76.00
6" meter	152.00

A flat rate for residential sewage service, where the user is not a metered water user, will be Seven and 60/100 Dollars (\$7.60) per month.

(b) For the services rendered to the Town of South Whitley, Indiana, said Town shall be subject to the same rates and charges hereinbefore provided, or to charges and rates established in harmony therewith.

Section 2.

(a) In cases other than residential sewage service, the quantity of water obtained from sources other than the water utility service of the Town of South Whitley, Indiana, and discharged into the public sewage system may be determined by the Town in such manner as the officers of the Town shall elect and the sewage services may be billed at the above appropriate rates.

(b) Except in cases of residential sewage service, in the case of a lot, parcel of real estate or building discharging sanitary sewage,

industrial waste, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, is not a user of the water supplied by the water utility serving the Town of South Whitley, and the water used thereon or therein is not measured by a meter or is measured by a meter not acceptable to the Town, then the amount of water used shall be otherwise measured or determined by the Town in order to ascertain the rates of charge, or the owner or other interested party, at his expense, may install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of the sewage discharge.

(c) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial waste, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, is a user of water supplied by the water utility serving the Town of South Whitley, Indiana, and in addition uses water from another source which is not measured by a water meter or is measured by a water meter not acceptable to the Town, then the amount of water used shall be otherwise measured or determined by the Town in order to ascertain the rates of charge, or the owner or other interested party, at his expense, may install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.

(d) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial waste, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, uses water in excess of twenty thousand (20,000) gallons per month and it can be shown to the satisfaction of the Town that a portion of the water as measured by the water meter or meters does not and cannot enter the sanitary sewage system, then the owner or other interested party shall install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.

adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.

(a) In the event two or more residential lots, parcels of real estate, or buildings discharging sanitary sewage, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in such case, for billings purposes, the quantity of water used shall be averaged for each user and the minimum charge and the sewage rates and charges shall apply to each of the number of residential lots, parcels of real estate or buildings served through the single water meter.

(f) In the event two or more dwelling units such as apartments or housekeeping rooms discharging sanitary sewage, water or other liquids into the Town's sanitary sewerage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in such case, the monthly billing shall be computed by multiplying the minimum monthly charge of \$3.80 by the number of dwelling units served through the single meter. A dwelling unit shall be interpreted as a room or any other space in which cooking facilities are provided.

(g) In the case of trailer parks discharging sanitary sewage, water or other liquids into the Town's sanitary sewerage system, either directly or indirectly, and which are users of water from the Town's waterworks, and the quantity of water is measured by a single water meter, said user shall pay not less than the number of dwelling units times the minimum monthly charge of \$3.80.

(h) Billing for sewage rates and charges shall be made monthly. Such rates and charges, except as hereinabove provided, shall be based upon the quantity of water used on or in the property or premises the same is measured by the water meter there in use, and said metered

usage shall be determined from the meter reading of the Town's waterworks.

(i) In order that domestic and residential users of sewage services, shall not be penalized for sprinkling laws during the months of June, July and August, the billing for sewage services for residential and/or domestic users for said months shall be based upon the water usage for the previous months of January, February and March, if such usage is lower than the summer months. Said sprinkling rate shall not apply to any premises which are partially or wholly used for commercial or industrial purposes. In the event a portion of such premises shall be used for commercial or industrial purposes the owner shall have the privilege of separating the water service so that the residential portion of the premises is served through a separate water meter, and in such case the water usage as registered by the water meter serving such portion of the premises used for residential purposes would qualify under the sprinkling rate.

(j) Charges to users outside the corporation limits of the Town will be billed at 150% of the rates and charges to users within the corporation limits.

Section 3. In order that the rates and charges may be justly and equitably adjusted to the service rendered to industrial users, the Town of South Whitley shall base its charges not only on the volume, but also on the strength and character of the stronger-than-normal industrial sewage and wastes which it is required to treat and dispose of. The Town of South Whitley shall require the owner or other industrial user to determine the strength and content of all sewage and wastes discharged, either directly or indirectly, into the sanitary sewage system in such manner and by such method as the Town may deem practicable in the light of the conditions and attending circumstances of the case, in order to determine the proper charge. The owner or other industrial

user shall furnish a central sampling point available to the Town at all times.

Normal domestic waste strength should not exceed a biochemical oxygen demand of 200 milligrams per liter of fluid or suspended solids in excess of 200 milligrams per liter of fluid. Additional charges for treating stronger-than-normal industrial waste shall be made on the following basis.

Rate Surcharge Based Upon Suspended Solids

There shall be an additional charge of 8 cents per 1,000 gallons of flow for each 100 milligrams, or fraction thereof, of suspended solids in excess of 200 milligrams per liter of fluid.

Rate Surcharge Based Upon BOD

There shall be an additional charge of 8 cents per 1,000 gallons of flow for each 100 milligrams, or fraction thereof, of biochemical oxygen demand in excess of 200 milligrams per liter of fluid.

Section 4. The terms "sanitary sewage" and "industrial wastes" shall be defined as follows:

(a) "Sanitary sewage" is defined as the waste from water closets, urinals, lavatories, sinks, bathtubs, showers, household laundries, basement drains, garage floor drains, bars, soda fountains, stable drains, and all other water-carried wastes except industrial wastes.

(b) "Industrial wastes" are defined as being the liquid waste or liquid-borne waste resulting from any commercial, manufacturing or industrial operation or process.

Section 5. The rates and charges shall be prepared and billed by the Town of South Whitley, Indiana, monthly, as the Town of South Whitley, Indiana, may deem appropriate and as determined by the bylaws and regulations of the Town of South Whitley, Indiana, as hereinafter provided for, and shall be collected in the manner provided by law or ordinance. Said rates and charges will be billed to the tenant or tenants occupying the property served unless otherwise requested.

writing by the owners, but such billing shall in no wise relieve the owner from liability in the event payment is not made as herein required. The owners of the properties served, which are occupied by tenants, shall have the right to examine the collection records of the Town of South Whitley, Indiana, for the purpose of determining whether such rates and charges have been paid by such tenants, provided that such examination shall be made in the office in which said records are kept and during the hours that such office is open for business.

Section 6. The Town of South Whitley, Indiana, shall make and enforce such bylaws and regulations as may be deemed necessary for the safe, economic and efficient management of the Town of South Whitley's sewer system and for the construction and use of house sewers and connections to the sewer system, and for the regulation, collection, rebating and refunding of rates and charges.

Section 7. Except as otherwise provided, the rates and charges herein set forth shall become effective on the date that sanitary records of the sewer system are made available for connection to any lot, part of real estate or building; but in any event, said rates and charges shall become effective no later than March 1, 1986, in order that the first billing for sewage service shall be rendered no later than March 1, 1986.

Section 8. The Town of South Whitley, Indiana, is hereby authorized to prohibit dumping of wastes into the Town's sewer system which in its discretion, are harmful to the operation of the sewer works, or to require methods effecting pretreatment of said wastes to reduce the characteristics of the waste satisfactory to the Town of South Whitley, Indiana.

Section 9. In order that the rates and charges for sewage service may remain fair and equitable and be in proportion to the cost of providing services to the various users or user classes, the Town causes a study to be made within a reasonable period of time following

the first full calendar year of operation, subsequent to the completion of the improvement project. Such study shall include, but not be limited to, an analysis of the costs associated with the treatment of excessive strength effluents from industrial users, (as defined by the Environmental Protection Agency) volume and delivery flow rate characteristics attributed to the various users or user classes, the financial position of the sewage works and the adequacy of its revenue to provide reasonable funds for operation and maintenance, replacements, debt service requirements and capital improvements to the waste treatment system.

Thereafter, on an annual basis, within a reasonable period of time following the normal accounting period, the Town shall cause a similar study to be made for the purpose of reviewing the fairness and equity of the rates and charges for sewage services on a continuing basis. Such studies shall be conducted by officers and/or employees of the Town of South Whitley or by a firm of certified public accountants and/or a firm of consulting engineers which firms shall have experience in such studies.

Section 10. This ordinance will repeal Amended Ordinance 10-1-10 passed and adopted by the Board of Trustees of the Town of South Whitley, Indiana, on June 10, 1974.

Passed and adopted by the Board of Trustees of the Town of South Whitley; Indiana, on the 25th day of February, 1986.


Denver Watson

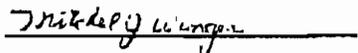

Betty Bishop


Thomas Rudd

BOARD OF TRUSTEES OF THE TOWN
OF SOUTH WHITLEY, INDIANA

(SEAL)

ATTEST:


CLERK-TREASURER OF THE TOWN OF
SOUTH WHITLEY, INDIANA



MYERS HOCKEMEYER & MCNAGNY, LLP

116 North Chauncey Street
Columbia City, IN 46725
Phone: (260) 248-2224
Fax: (260) 248-2221

Greggory W. Hockemeyer
Marcia A. McNagny

Soultana S. Myers
Dawn M. Boyd*

Received
October 15, 2012
INDIANA UTILITY
REGULATORY COMMISSION

* Also admitted in Virginia

Fax Transmission Sheet

TO: Dana Lynn
RE: Town of South Whitley Sewer Rate Waiver Petition
FAX #: 317-232-6758

FROM: Greg Hockemeyer
DATE: October 15, 2012

You should receive 20 page(s) including this cover sheet. If you do not receive all pages, please call 260-248-2224 and ask for Lori Jenkins. The original of this transmission [will/will not] be sent separately.

MESSAGE:

Here is a photocopy of the hard copy Town of South Whitley Code Chapter on Sewer Service. Let me know if you need anything else.

CONFIDENTIALITY NOTICE: THE MATERIALS ENCLOSED WITH THIS FACSIMILE TRANSMITTAL SHEET ARE PRIVATE AND CONFIDENTIAL AND ARE THE PROPERTY OF THE SENDER. THE INFORMATION CONTAINED IN THE MATERIAL IS PRIVILEGED AND IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL(S) OR ENTITY(S) NAMED ABOVE. IF YOU ARE NOT THE INTENDED RECIPIENT, BE ADVISED THAT ANY UNAUTHORIZED DISCLOSURE, COPYING, DISTRIBUTION OR THE TAKING OF ANY ACTION IN RELIANCE ON THE CONTENTS OF THIS TELECOPIED INFORMATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS FACSIMILE TRANSMITTAL IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE TO ARRANGE FOR RETURN OF THE FORWARDED DOCUMENTS TO US.

CHAPTER 52: SEWERS

Section

General Provisions

- 52.01 Definitions
- 52.02 Damage, destruction of sewage works

Administration

- 52.10 Right of entry of authorized persons
- 52.11 Authority to impose additional regulations

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- 52.21 Treatment of polluted waters required
- 52.22 Stormwater; unpolluted drainage
- 52.23 Prohibited discharges
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- 52.28 Agreements to accept certain wastes

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- 52.41 Connection to public sewer required
- 52.42 Permit required; inspection
- 52.43 Owner to operate in sanitary manner; compliance with regulations

Building Sewers and Connections

- 52.50 Building sewer permits; application; fee
- 52.51 Costs to be paid by owner
- 52.52 Separate sewer required for each building
- 52.53 Use of old sewers
- 52.54 Construction requirements
- 52.55 Connections
- 52.56 Excavations to be barricaded
- 52.57 Prohibited construction

Rates and Charges

- 52.70 Definitions
- 52.71 Rates based on quantity of water used
- 52.72 Rates paid by town
- 52.73 Rates if water obtained from source other than town
- 52.74 Rates for users located outside corporation limits
- 52.75 Users of water in excess of 20,000 gallons per month
- 52.76 Two or more users using single meter
- 52.77 Certain rates modified due to strength, character of discharge

§ 52.01

SOUTH WHITLEY - SEWERS

10

Section

Rates and Charges (Cont'd)

- 52.78 Sprinkling lawns
- 52.79 Billing
- 52.80 Annual study to review rates and charges
- 52.81 Authority of town to enforce further regulations

Violations

- 52.90 Notice
- 52.99 Penalty

Cross-reference:

Sewage Department, see § 32.070

GENERAL PROVISIONS

§ 52.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"B.O.D." or "BIOCHEMICAL OXYGEN DEMAND." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C., expressed in milligrams per liter.

"BUILDING SEWER." The extension from the building drain to the public sewer or other place of disposal.

"COMBINED SEWER." A sewer receiving both surface runoff and sewage.

"GARBAGE." Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

"INDUSTRIAL WASTES." The liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

"INSPECTOR." The person or persons duly authorized by the town, through the Board of Trustees, to inspect and approve the installation of building sewers and their connection to the public sewer system.

"NATURAL OUTLET." Any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

"PERSON." Any individual, firm, company, association, society, corporation, or group.

"pH." The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

"PROPERLY SHREDDED GARBAGE." The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.

"PUBLIC SEWER." A sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

"SANITARY BUILDING DRAIN." That part of the lowest horizontal piping of the sanitary drainage system inside the walls of any building, which receives the discharge from soil or waste stacks and branches and conveys the same to a point three feet outside the building walls where it connects with its respective building sewer.

"SANITARY SEWER." A sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

"SEWAGE." A combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

"SEWAGE TREATMENT PLANT." Any arrangement of devices and structures used for treating sewage.

"SEWAGE WORKS." All facilities for collecting, pumping, treating, and disposing of sewage.

"SEWER." A pipe or conduit for carrying sewage.

"SLUG." Any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.

"STORM DRAIN" or "STORM SEWER." A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

"SUSPENDED SOLIDS." Solids that either float on the surface of or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

"UTILITIES MANAGER." The Utilities Manager or his duly authorized deputy, agent, or representative.

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"WATERCOURSE." A channel in which a flow of water occurs, either continuously or intermittently.
(Ord. 14-70, passed 1-18-71)

§ 52.02 DAMAGE, DESTRUCTION OF SEWAGE WORKS.

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the town sewage works.
(Ord. 14-70, passed 1-18-71) Penalty, see § 52.99

ADMINISTRATION

§ 52.10 RIGHT OF ENTRY OF AUTHORIZED PERSONS.

(A) The Utilities Manager, Inspector, and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter. The Utilities Manager or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(B) While performing the necessary work on private properties referred to in division (A) above, the Utilities Manager or duly authorized town employees shall observe all safety rules applicable to the premises established by the company. The company shall be held harmless for injury or death to the town employees and the town shall indemnify the company against loss or damage to its property by town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 52.26.

(C) The Utilities Manager and other duly authorized town employees bearing proper credentials and identification shall be permitted to enter all private properties through which the town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement. All entry and subsequent work, if any, on the easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
(Ord. 14-70, passed 1-18-71)

§ 52.11 AUTHORITY TO IMPOSE ADDITIONAL REGULATIONS.

No statement contained in this chapter shall be construed to

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interfere with any additional requirements that may be imposed by the Town Health Officer.
(Ord. 14-70, passed 1-18-71)

SEWER USE REGULATIONS

§ 52.20 TOILET FACILITIES REQUIRED.

The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the town and abutting on any street, alley, or right-of-way in which there is now located, or may in the future be located, a public sanitary or combined sewer of the town is required at his expense to install suitable toilet facilities on the property and to connect the facilities directly with the proper public sewer in accordance with the provisions of this chapter within 90 days after date of official notice to do so, provided that the public sewer is within 300 feet of the property line.
(Ord. 14-70, passed 1-18-71) Penalty, see § 52.99

§ 52.21 TREATMENT OF POLLUTED WATERS REQUIRED.

(A) It shall be unlawful to discharge to any natural outlet within the town, or in any area under the jurisdiction of the town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this chapter.
(Ord. 14-70, passed 1-18-71)

(B) The town is authorized to prohibit dumping of wastes into the town's sewer system which, in its discretion, are harmful to the operation of the sewage works, or to require methods effecting pretreatment of the wastes to reduce the characteristics of the waste satisfactory to the town.
(Ord. 86-2-1, passed 2-25-86) Penalty, see § 52.99

§ 52.22 STORMWATER; UNPOLLUTED DRAINAGE.

(A) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

(B) Stormwater and all other unpolluted drainage shall be discharged to those sewers specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Utilities Manager. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Utilities Manager, to a storm sewer, combined sewer, or natural outlet.
(Ord. 14-70, passed 1-18-71) Penalty, see § 52.99

§ 52.23 PROHIBITED DISCHARGES.

(A) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

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(1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

(2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

(3) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

(4) Solid or viscous substances in quantities or of a size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers, and the like, either whole or ground by garbage grinders.

(B) No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Utilities Manager that the wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Utilities Manager will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

(1) Any liquid or vapor having a temperature higher than 150°F.

(2) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32°F. and 150°F.

(3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower (0.76 horsepower metric) or greater shall be subject to the review and approval of the Utilities Manager.

(4) Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions, whether neutralized or not.

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(5) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to a degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Utilities Manager for these materials.

(6) Any waters or wastes containing phenols or other taste- or odor-producing substances, in concentrations exceeding limits which may be established by the Utilities Manager as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for discharge to the receiving waters.

(7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Utilities Manager in compliance with applicable state or federal regulations.

(8) Any waters or wastes having a pH in excess of 9.5.

(9) Materials which exert or cause:

(a) Unusual concentrations of inert, suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

(b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(c) Unusual B.O.D., chemical oxygen demand, or chlorine requirements in quantities as to constitute a significant load on the sewage treatment works.

(d) Unusual volume of flow or concentration of wastes constituting slugs as defined in § 52.01.

(10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(Ord. 14-70, passed 1-18-71) Penalty, see § 52.99

§ 52.24 GREASE, OIL, AND SAND INTERCEPTORS.

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Inspector, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients. Interceptors shall not, however, be required for private living quarters or dwelling units. All interceptors shall be of a type and

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capacity approved by the Utilities Manager and shall be located as to be readily and easily accessible for cleaning and inspection.

(Ord. 14-70, passed 1-18-71) Penalty, see § 52.99

§ 52.25 PRELIMINARY TREATMENT FACILITIES.

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(Ord. 14-70, passed 1-18-71) Penalty, see § 52.99

§ 52.26 MEASURING, SAMPLING, AND ANALYZING WASTES.

(A) When required by the Utilities Manager, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. The control manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Utilities Manager. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

(B) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this subchapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole.

(1) In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

(2) Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, B.O.D. and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pH is determined from periodic grab samples.

(Ord. 14-70, passed 1-18-71) Penalty, see § 52.99

§ 52.27 DETERMINATION OF VIOLATION; REMEDIES.

(A) If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, which waters contain the

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substances or possess the characteristics enumerated in § 52.23(B), and which in the judgment of the Utilities Manager may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Utilities Manager may:

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (3) Require control over the quantities and rates of discharge; or
- (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions contained herein.

(B) If the Utilities Manager permits the pretreatment or equalization of waste flows, the design and installation of the plans and equipment shall be subject to the review and approval of the Utilities Manager and subject to the requirements of all applicable codes, ordinances, and laws.
(Ord. 14-70, passed 1-18-71)

§ 52.28 AGREEMENTS TO ACCEPT CERTAIN WASTES.

No statement contained in this subchapter shall be construed as preventing any special agreement or arrangement between the town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the town for treatment, subject to payment therefor, by the industrial concern.
(Ord. 14-70, passed 1-18-71)

PRIVATE SEWAGE DISPOSAL

§ 52.40 PRIVIES, SEPTIC TANKS, AND CESSPOOLS.

Except as herein provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
(Ord. 14-70, passed 1-18-71) Penalty, see § 52.99

§ 52.41 CONNECTION TO PUBLIC SEWER REQUIRED.

(A) Where a public sanitary or combined sewer is not available under the provisions of division (A), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this subchapter.

(B) At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in § 52.20, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools, and

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similar private sewage disposal facilities shall be abandoned and filled with suitable material. When a public sewer becomes available, the building sewer shall be connected to the sewer within 90 days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

(Ord. 14-70, passed 1-18-71) Penalty, see § 52.99

§ 52.42 PERMIT REQUIRED; INSPECTION.

(A) Before commencing construction of a private sewage disposal system, the owner shall obtain a written permit signed by the Utilities Manager. The application for this permit shall be made on a form furnished by the town, which the applicant shall supplement by any plans, specifications, and other information deemed necessary by the Utilities Manager. A permit and inspection fee of \$50 shall be paid to the town at the time the application is filed.

(B) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Utilities Manager. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Utilities Manager when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 24 hours of the receipt of notice by the Utilities Manager.

(Ord. 14-70, passed 1-18-71) Penalty, see § 52.99

§ 52.43 OWNER TO OPERATE IN SANITARY MANNER; COMPLIANCE WITH REGULATIONS.

(A) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the town.

(B) The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the State Board of Health. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 18,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(Ord. 14-70, passed 1-18-71) Penalty, see § 52.99

BUILDING SEWERS AND CONNECTIONS§ 52.50 BUILDING SEWER PERMITS; APPLICATION; AND FEE.

(A) There shall be two classes of building sewer permits: one for residential and commercial service, and one for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Inspector. A permit and inspection

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fee based on time and material, as determined by the Utilities Manager, shall be paid to the Clerk-Treasurer at the time the application is filed.

(B) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Clerk-Treasurer.

(Ord. 14-70, passed 1-18-71) Penalty, see § 52.99

§ 52.51 COSTS TO BE PAID BY OWNER.

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(Ord. 14-70, passed 1-18-71)

§ 52.52 SEPARATE SEWER REQUIRED FOR EACH BUILDING.

A separate and independent building sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot, and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. The building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(Ord. 14-70, passed 1-18-71) Penalty, see § 52.99

§ 52.53 USE OF OLD SEWERS.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Inspector, to meet all requirements of this subchapter.

(Ord. 14-70, passed 1-18-71)

§ 52.54 CONSTRUCTION REQUIREMENTS.

The size, slope, alignment, and materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(Ord. 14-70, passed 1-18-71) Penalty, see § 52.99

§ 52.55 CONNECTIONS.

(A) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity

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flow to the public sewer, sanitary sewage carried by the building drain shall be lifted by an approved means and discharged to the building sewer.

(B) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. Further, for any new building the inflow/clear water connection to a combined sewer shall be made separate and distinct from the sanitary waste connection to facilitate disconnection of the former if a separate storm sewer subsequently becomes available.

(C) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All connection shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Utilities Manager before installation.

(D) The applicant for the building sewer permit shall notify the Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Inspector or his representative. (Ord. 14-70, passed 1-18-71, and amended by code) Penalty, see S 52.99.

S 52.56 EXCAVATIONS TO BE BARRICADED.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town.

S 52.57 PROHIBITED CONSTRUCTION.

(A) Future construction of any combined sewers is prohibited.

(B) Future construction tributaries to all existing combined sewers shall be designed to minimize or delay inflow contribution to the existing combined sewer. (Added by code) Penalty, see S 52.99.

RATES AND CHARGES

S 52.70 DEFINITIONS.

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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"INDUSTRIAL WASTES." The liquid waste or liquid-borne waste resulting from any commercial, manufacturing, or industrial operation or process.

"SANITARY SEWAGE." The waste from water closets, urinals, lavatories, sinks bathtubs, showers, household laundries, basement drains, garage floor drains, bars, soda fountains, stable floor drains, and all other water-carried wastes except industrial wastes.

(Ord. 86-2-1, passed 2-25-86)

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§ 52.71 RATES BASED ON QUANTITY OF WATER USED.

(A) For the use of and the service rendered by the sewage works, rates and charges shall be collected from the owners of each and every lot, parcel of real estate, or building that is connected with the town's sanitary sewer system or otherwise discharges sanitary sewage, industrial wastes, water, or other liquids, either directly or indirectly, into the sanitary sewer system of the town.

(B) These rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as follows. Except as herein otherwise provided, sewage rates and charges shall be based upon the quantity of water used on or in the property or premises subject to the rates and charges as measured by the water meter there in use. The metered water usage shall be determined from the meter reading of the town's waterworks.

(1) Sewage service rates, based upon the amount of water used, shall be as follows:

<u>Quantity of Water Used Per Month</u>	<u>Rate per 1,000 Gallons</u>
First 2,000 gallons	\$1.90
Next 8,000 gallons	1.60
Next 25,000 gallons	1.29
Next 65,000 gallons	1.07
Over 100,000 gallons	.89

(2) The minimum charge for sewage service where the user is a metered water consumer shall be based upon the meter size as follows:

<u>Water Meter Size (Inches)</u>	<u>Monthly Charge</u>
5/8 - 3/4 meter	\$ 3.80
1 meter	6.10
1-1/4 meter	9.15
1-1/2 meter	12.15
2 meter	22.80
3 meter	45.60
4 meter	76.00
6 meter	152.00

(3) A flat rate for residential sewage service, where the user is not a metered water user, shall be \$7.60 per month.
(Ord. 86-2-1, passed 2-25-86)

§ 52.72 RATES PAID BY TOWN.

For the services rendered to the town, the town shall be subject to the same fees and charges as hereinbefore provided, or to charges and fees established in harmony therewith.
(Ord. 86-2-1, passed 2-25-86)

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§ 52.73 RATES IF WATER OBTAINED FROM SOURCE OTHER THAN TOWN.

(A) In cases other than residential sewage service, the quantity of water obtained from sources other than the water utility serving the town and discharged into the public sanitary sewage system may be determined by the town in a manner as the proper officers of the town shall elect, and the sewage services may be billed at the appropriate charges.

(B) Except in cases of residential sewage service, in the event a lot, parcel of real estate, or building discharging sanitary sewage, industrial waste, water, or other liquids into the town's sanitary sewage system, either directly or indirectly, is not a user of water supplied by the water utility serving the town and the water used thereon or therein is not measured by a meter, or is measured by a meter not acceptable to the town, then the amount of water used shall be otherwise measured or determined by the town in order to ascertain the rates of charge, or the owner or other interested party, at his expense, may install and maintain meters, weirs, volumetric measuring devices, or any adequate and approved method of measurement acceptable to the town for the determination of the sewage discharge.

(C) In the event a lot, parcel of real estate, or building discharging sanitary sewage, industrial waste, water, or other liquids into the town's sanitary sewage system, either directly or indirectly, is a user of water supplied by the water utility serving the town and in addition uses water from another source which is not measured by a water meter, or is measured by a water meter not acceptable to the town, then the amount of water used shall be otherwise measured or determined by the town in order to ascertain the rates of charge, or the owner or other interested party, at his expense, may install and maintain meters, weirs, volumetric measuring devices, or any adequate and approved method of measurement acceptable to the town for the determination of sewage discharge.

(Ord. 86-2-1, passed 2-25-86)

§ 52.74 RATES FOR USERS LOCATED OUTSIDE CORPORATION LIMITS.

Charges to users outside the corporation limits of the town will be billed at 150% of the rates and charges to users within the corporation limits.

(Ord. 86-2-1, passed 2-25-86)

§ 52.75 USERS OF WATER IN EXCESS OF 20,000 GALLONS PER MONTH.

In the event a lot, parcel of real estate, or building discharges sanitary sewage, industrial waste, water, or other liquids into the town's sanitary sewage system, either directly or indirectly, and uses water in excess of 20,000 gallons per month, and it can be shown to the satisfaction of the town that a portion of water as measured by the water meter or meters does not and cannot enter the sanitary sewage system, then the owner or other

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interested party shall install and maintain meters, weirs, volumetric measuring devices, or any adequate and approved method of measurement acceptable to the town for the determination of sewage discharge.

(Ord. 86-2-1, passed 2-25-86)

§ 52.76 TWO OR MORE USERS USING SINGLE METER.

(A) If two or more residential lots, parcels of real estate, or buildings discharging sanitary sewage, water, or other liquids into the town's sanitary sewage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in this case, for billing purposes, the quantity of water used shall be averaged for each user and the minimum charge and the sewage rates and charges shall apply to each of the number of residential lots, parcels of real estate, or buildings served through the single water meter.

(B) (1) For the purpose of this division, "DWELLING UNIT" shall mean a room or any other space in which cooking facilities are provided.

(2) If two or more dwelling units such as apartments or housekeeping rooms discharging sanitary sewage, water, or other liquids into the town's sanitary sewage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, the monthly billing shall be computed by multiplying the minimum monthly charge of \$3.80 by the number of dwelling units served through the single meter.

(C) In the case of trailer parks discharging sanitary sewage, water, or other liquids into the town's sanitary sewage system, either directly or indirectly, and which are users of water from the town's waterworks, and the quantity of water is measured by a single water meter, the user shall pay not less than the number of dwelling units times the minimum monthly charge of \$3.80.

(Ord. 86-2-1, passed 2-25-86)

§ 52.77 CERTAIN RATES MODIFIED DUE TO STRENGTH, CHARACTER OF DISCHARGE.

(A) In order that the rates and charges may be justly and equitably adjusted to the service rendered to industrial users, the town shall base its charges not only on the volume, but also on the strength and character of the stronger-than-normal industrial sewage and wastes which it is required to treat and dispose of. The town shall require the owner or other industrial user to determine the strength and content of all sewage and wastes discharged, either directly or indirectly, into the sanitary sewage system, in a manner and by the method as the town may deem practicable in the light of the conditions and attending circumstances of the case, in order to determine the proper charge. The owner or other user shall furnish a central sampling point available to the town at all times.

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(B) Normal domestic waste strength should not exceed a biochemical oxygen demand of 200 milligrams per liter of fluid or suspended solids in excess of 200 milligrams per liter of fluid.

(C) Additional charges for treating stronger-than-normal industrial waste shall be made on the following basis.

(1) Rate surcharge based upon suspended solids. There shall be an additional charge of \$.08 per 1,000 gallons of flow for each 100 milligrams, or fraction thereof, of suspended solids in excess of 200 milligrams per liter of fluid.

(2) Rate surcharge based upon B.O.D. There shall be an additional charge of \$.08 per 1,000 gallons of flow for each 100 milligrams, or fraction thereof, of biochemical oxygen demand in excess of 200 milligrams per liter of fluid.

(Ord. 86-2-1, passed 2-25-86)

§ 52.78 SPRINKLING LAWNS.

88-2-1

2-23-86

(A) In order that domestic and residential users of sewage services shall not be penalized for sprinkling lawns during the months of June, July, and August, the billing for sewage services for residential or domestic users for these months shall be based upon the water usage for the previous months of January, February, and March, if this usage is lower than the summer months.

(B) The sprinkling rate in division (A) shall not apply to any premises which are partially or wholly used for commercial or industrial purposes. In the event a portion of the premises shall be used for commercial or industrial purposes, the owner shall have the privilege of separating the water service so that the residential portion of the premises is served through a separate water meter, and in this case the water usage as registered by the water meter serving the portion of the premises used for residential purposes would qualify under the sprinkling rate.

(Ord. 86-2-1, passed 2-25-86) (Repealed by Ordinance 88-2-1, passed 2-23-88)

§ 52.79 BILLING.

(A) The rates and charges shall be prepared and billed by the town monthly as the town may deem appropriate and as determined by the by-laws and regulations of the town as hereinafter provided for, and shall be collected in the manner provided by law and ordinance. The rates and charges will be billed to the tenant or tenants occupying the property served unless otherwise requested in writing by the owners, but the billing shall in no way relieve the owner from liability in the event payment is not made as herein required.

(B) The owners of the properties served which are occupied by tenants shall have the right to examine the collection records of the town for the purpose of determining whether the rates and charges have been paid by the tenants, provided that the examination

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shall be made in the office in which the records are kept and during the hours that the office is open for business.

(Ord. 86-2-1, passed 2-25-86)

§ 52.80 ANNUAL STUDY TO REVIEW RATES AND CHARGES.

(A) In order that the fees and charges for sewage services may remain fair and equitable and be in proportion to the cost of providing services to the various users or user classes, the town shall cause a study to be made within a reasonable period of time following the first full calendar year of operation, subsequent to the completion of the improvement project. The study shall include, but not be limited to, an analysis of the costs associated with the treatment of excessive strength effluents received from industrial users as defined by the Environmental Protection Agency, the volume and delivery flow rate characteristics attributable to the various users or user classes, the financial position of the sewage works and the adequacy of its revenue to provide reasonable funds for operation and maintenance, replacements, debt service requirements, and capital improvements to the waste treatment system.

(B) Thereafter, on an annual basis, within a reasonable period of time following the normal accounting period, the town shall cause a similar study to be made for the purpose of reviewing the fairness and equity of the fees and charges for sewage services on a continuing basis. The studies shall be conducted by officers or employees of the town, by a firm of certified public accountants, or by a firm of consulting engineers which firm shall have experience in these studies.

(Ord. 86-2-1, passed 2-25-86)

§ 52.81 AUTHORITY OF TOWN TO ENFORCE FURTHER REGULATIONS.

The town shall make and enforce any bylaws and regulations as may be deemed necessary for the safe, economic, and efficient management of the town sewer system, for the construction and use of house sewers and connections to the sewer system, and for the regulation, collection, rebating, and refunding of fees and charges.

(Ord. 86-2-1, passed 2-25-86)

~~§ 52.82 DELINQUENT PENALTY ON SEWAGE FEE~~
10th VIOLATIONS

Id 36-9-23-31

§ 52.90 NOTICE.

Any person found to be violating any provision of this chapter, except § 52.02, shall be served by the town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in the notice, permanently cease all violations.

(Ord. 14-70, passed 1-18-71)

§ 52.99

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§ 52.99 PENALTY.

(A) Any person who shall continue any violation beyond the time limit provided in § 52.90 shall be guilty of a punishable offense and, upon conviction, shall be fined in an amount not exceeding \$2,500 for each violation. Each day in which any violation shall continue shall be deemed a separate offense.

(B) Any person violating any of the provisions of this chapter shall become liable to the town for any expense, loss, or damage occasioned the town by reason of the violation.
(Ord. 14-70, passed 1-18-71)